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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JORGE ENRIQUE VERA VARGAS]

Petitioner,]

v.]

UNIVERSAL COOPERATIVES, INC.,]

Registrant.]

Cancellation No.

76231352

PETITION FOR CANCELLATION

Petitioner, Jorge Enrique Vera Vargas, by and through its attorneys noted herein, hereby petitions this Honorable Board to order the cancellation of United States Trademark Registration, No. 2,717,028, registered May 20, 2003 by Universal Cooperatives, Inc., a corporation of the State of Minnesota.

This registration covers the mark **MAGNA FORCE** as applied to batteries for vehicles, boat motors, and agricultural equipment in Class 9.

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Petitioner believes that it will be damaged by the continued existence on the register of this mark in Class 9 for the reasons as set forth below and therefore seeks relief by cancellation.

1. Petitioner, Jorge Enrique Vera Vargas, is a citizen of Colombia and maintains his principal business address at Calle 70A No. 11-43, Bogota, Colombia.

2. The Registration here sought to be canceled covers the mark **MAGNA FORCE** as applied to batteries for vehicles, boat motors, and agricultural equipment in Class 9. The Registration issued on May 20, 2003.

3. Petitioner filed an application for registration of the trademark **MAGNA LA SUPER ALCALINA and Design** in the United States Patent and Trademark Office on February 23, 2007, serial number 77/114546 which application covers batteries for vehicles in Class 9. The application was based upon a bona-fide intent to use the mark in commerce.

4. The application identified in paragraph 3 has been refused registration under Section 2(d) of the Trademark Act based upon a perceived likelihood of confusion with the mark and goods set forth in United States trademark Registration 2,717,028, the registration here sought to be cancelled.

5. The marks of the Registrant and the Petitioner are similar and the United States Patent and Trademark Office has made a determination that the marks are sufficiently similar so as to cause possible confusion in the minds of the purchasers as to the source of the goods.

6. Upon information and belief, registrant has made no use of its mark in connection with its goods since obtaining its registration for at least three years and has accordingly abandoned any trademark rights it may have had. Such use of its mark as alleged in the registration, if such use in fact took place, has been discontinued without any intent to resume such use and accordingly it must be presumed that the mark has been abandoned. See 15 USC §1127.

WHEREFORE, Petitioner respectfully moves the Trademark Trial and Appeal Board to cancel the registration of the Registrant, No. 1,390,877.

Payment in the amount of \$300 by credit card authorization is attached hereto as required by the Rules of Practice.

Respectfully submitted,
Jorge Enrique Vera Vargas

By: _____



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November 23, 2007

CERTIFICATE OF SERVICE

This is to certify that a copy of the aforesaid Petition to Cancel was served by first class mail, proper postage affixed, to the listed correspondent for Registrant, Mr. Patrick J. Gallegher, c/o Fullbright & Jaworski, L.L.P., 600 Congress Avenue, Suite 240, Austin, Texas 78701, this 23rd day of November, 2007.

A handwritten signature in black ink, appearing to read "Donald L. Dennison", written over a horizontal line.

Donald L. Dennison